

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LUC BURBON,

Plaintiff,

-against-

NEEDLEPAINT LLC,

Defendants.

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**AFFIRMATION IN  
SUPPORT OF MOTION  
FOR DEFAULT JUDGMENT**

*Civil Action No.:*  
1:21-cv-1678-EK-RER

I, Bradly G. Marks, an attorney duly admitted to practice law in the State of New York and Eastern District of New York, hereby affirms the truth of the following under penalty of perjury:

1. I am the Principal of The Marks Law Firm, PC, attorneys for Plaintiff in the above-captioned action and I am familiar with all the facts and circumstances in this action.
2. This is an action for remediation and to recover attorneys' fees and compensatory damages owed by defendant to plaintiff for violation of 42 U.S.C. 12181, et Seq. of the American with Disabilities Act as well as the New York City Human Rights Law and New York State Human Rights Law.
3. The time for defendant Needlepaint LLC to answer or otherwise move with respect to the complaint herein has expired.
4. Defendant NeedlePaint LLC has not answered or otherwise moved with respect to the complaint, and the time for defendant(s) to answer or otherwise move has not been extended.
5. The defendant NeedlePaint LLC default has been noted by the Clerk of Court. A copy of the Certificate is attached hereto (Exhibit A).

6. Defendant NeedlePaint LLC is indebted to plaintiff, Luc Burbon, in the following manner:
7. Plaintiff is a resident of the state of New York and is a blind, visually impaired handicapped person, which constitutes a “qualified disability” under the ADA.
8. Defendant is the owner, operator and manager of Needlepaint LLC as well as the website WWW.NEEDLEPAINT.COM.
9. The Defendant is authorized to conduct and is conducting business within the state of New York. The Website advertises, markets offers and sells its products and services to residents in the State of New York and throughout the United States and all events giving rise to this lawsuit occurred in the State of New York.
10. Defendant has constructed and maintained a website that does not contain the ADA-required information on its system making their goods and services inaccessible to blind class members with knowledge of the discrimination, failed to take actions to correct the lack of the ADA-required information in the face of substantial harm and discrimination to blind class members and failed to take any prompt and equitable steps to remedy their discriminatory conduct.
11. This is all in violation of the ADA, NYCHRL, and NYSHRL. Defendant’s violations impede upon Plaintiff’s, and other similarly situated blind and visually impaired individuals’ right to access and utilize the services of the Website free of discrimination.
12. FED. R. CIV. P. 54(c) requires that “[a] default judgment must not differ in kind from, or exceed in amount what is demanded in the pleadings.” The prayer for relief in the Complaint includes that Defendant take all steps necessary to make its Website compliant with the ADA, NYSHRL, and NYCHRL, that Plaintiff be awarded compensatory

damages, and that Plaintiff be awarded attorneys' fees and costs as provided by the ADA, NYSHRL, and NYCHRL.

13. As stated above, no defendant has appeared in this matter, nor has any defendant raised any objection or defense of any kind, despite the fact that they were properly and verifiably served.

WHEREFORE, plaintiff Luc Burbon requests that a default judgment be entered in favor of plaintiff and against defendant Needlepaint LLC.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to plaintiff, that no part thereof has been paid, and that the disbursements sought to be taxed have been made in this action or will necessarily be made or included in this action.

Dated: New York, New York  
October 5, 2021

THE MARKS LAW FIRM

By: 

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